



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

NOV 05 2018

REPLY TO THE ATTENTION OF

WC-15J

CERTIFIED MAIL 7017 3380 0000 7283 5787
RETURN RECEIPT REQUESTED

Abderrahman Zehraoui, Ph.D., Director of Utilities
East Chicago Sanitary District
5201 Indianapolis Boulevard
East Chicago, IN 46321

Subject: Unresolved issues in the December 24, 2014 Administrative Consent Order

Dear Dr. Zehraoui:

The purpose of this letter is to summarize our September 25, 2018 teleconference discussion regarding East Chicago Sanitary District's (ECSD's) unaddressed compliance requirements set forth in the December 24, 2014, Administrative Consent Order (ACO). A copy of the ACO is enclosed. The following is a description of ACO compliance requirements (identified by paragraph number) that ECSD has not resolved, and the status of ECSD's efforts to resolve them, per that discussion:

- **Paragraph 41** (Complete the review, correction, and re-issuance of all Industrial User (IU) permits): ECSD stated that it intends to incorporate recently revised local limits into its IU permits. The revised local limits are expected to be adopted into the sewer use ordinance by October 22, 2018, and the IU permits should be re-issued soon thereafter. EPA requests that ECSD submit a copy of each re-issued IU permit to the U.S. Environmental Protection Agency by November 30, 2018.
- **Paragraph 44** (Submit a copy of each Significant Industrial User (SIU) inspection report to EPA): EPA has not received any copies of SIU inspection reports to date. During our discussion, ECSD committed to sending a copy of each SIU inspection report. EPA requests that ECSD submit a copy of the latest annual inspection report for each SIU to EPA by November 30, 2018.
- **Paragraph 45** (Submit each CIU self-monitoring report to EPA within seven days of receipt): ECSD last submitted a set of self-monitoring reports to EPA on January 26, 2017. During our discussion, ECSD committed to sending self-monitoring reports. EPA requests that ECSD submit a copy of all CIU self-monitoring reports (received after January 26, 2017) to EPA by November 30, 2018.

- **Paragraph 46** (Submit annual written summaries of SIU sample analysis data): EPA has not received any annual written summaries of SIU sample analysis data. During our discussion, ECSD committed to sending this data. EPA requests that ECSD submit these annual written summaries (dated from January 1, 2015 to the present) to EPA by November 30, 2018.
- **Paragraph 48** (Carry out enforcement actions in accordance with enforcement response plan): ECSD stated that it has issued 21 notices of violation in 2018 to SIUs, and that most of these notices were for cyanide effluent limit violations. ECSD stated that since EPA has conditionally approved a less stringent cyanide local limit on July 3, 2018, ECSD expects that there will be fewer future SIU violations after this limit is changed. Safety-Kleen has contested ECSD's fines for cyanide exceedance violations, and advocates for further concessions in its permitted cyanide limit. Currently, Safety-Kleen wants ECSD to adopt a non-uniform cyanide allocation, which would allow the company to discharge a greater load of cyanide to ECSD's POTW (in relation to other industrial users). **EPA stresses that, regardless of possible future changes to the cyanide local limit, ECSD must collect past penalties from all industrial users that violated pretreatment limits.** If any industrial user refuses to pay applicable fines, then ECSD must escalate enforcement against that user, in accordance with 40 C.F.R. § 403.8(f)(5). EPA requests that ECSD initiate elevated enforcement actions against SIUs with recurring violations and submit copies of the associated enforcement documentation to EPA by November 30, 2018.
- **Paragraph 50** (Submit quarterly status reports): ECSD last emailed a quarterly status report on February 14, 2017 (for the fourth quarter of 2016). ECSD stated that it would send a report that covers each quarter, from the first quarter of 2017 through the second quarter of 2018.¹ Please submit all quarterly status reports (covering a period from the first quarter of 2017 through the present) to EPA by October 31, 2018.

In addition to these deficiencies, we would like to state our concern about whether ECSD has sufficient resources to run an approved pretreatment program [in accordance with 40 C.F.R. § 403.8(f)(3)]. In your April 5, 2017, correspondence to us, you cited the availability of an outside consultant (Crowley Engineering) as part of your determination that ECSD has adequate resources to run a pretreatment program. However, it has come to our attention that Crowley Engineering no longer supports ECSD's pretreatment program. Please explain whether you still maintain that ECSD can run its pretreatment program without Crowley Engineering's assistance, and how you intend to do so. Please provide an explanation to EPA by November 30, 2018.

¹ Please note that the next quarterly status report (covering the third quarter of 2018) is also due by October 31, 2018.

Your response should be submitted electronically to ellens.newton@epa.gov. Where it is infeasible to submit electronically, you may mail the information to:

U.S. Environmental Protection Agency, Region 5
Water Enforcement and Compliance Assurance Branch (WC-15J)
Attn: Newton Ellens
77 West Jackson Boulevard
Chicago, Illinois 60604

If you have any questions, please contact Newton Ellens (of my staff) at 312-353-5562 or via email at ellens.newton@epa.gov. Your cooperation in this matter is appreciated.

Sincerely,

A handwritten signature in cursive script that reads "Patrick F. Kuefler (acting)". The signature is written in dark ink and is positioned above the printed name and title.

Patrick F. Kuefler, Chief
Water Enforcement and Compliance Assurance
Branch

cc: Natalie Maupin
Indiana Department of Environmental Management

Enclosure